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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/505,619

Applicant(s)

KATZ ET AL.

Examiner

Yogesh C Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 11 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 172-272 is/are pending in the application.
- 4a) Of the above claim(s) 220-272 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 172-219 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 95
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.5.12, 113
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Amendment C, paper # 14, is received on 7/11/2003 and is acknowledged and entered. Claim 1 has been amended and new claims 178-272 have been added. Currently claims 172-272 are pending for examination.

Election/Restrictions: Election by Original Presentation

2. Newly submitted claims 220-272 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Originally the invention consisting of claims 172-177 was directed to establishing a communication for offering prospective upsell to a prospective customer using in part primary transaction data and the prospective upsell is different from the first good or service. Claims 220-272 are directed to offering goods or services to users using an electronic communication device and are not directed to offering prospective upsell to a prospective customer using in part primary transaction data where the prospective upsell is different from the first good or service.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 220-272 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Response to Arguments

3. With reference to the Applicant's remarks (see page 15) regarding claims 172-177, the claim objections and Double Patenting rejection are withdrawn as necessary amendments have been made to claim 172 and a Terminal disclaimer has been submitted and entered on September 30, 2002.

Applicant's arguments filed with regards to rejection of claims 172-177 under 35 USC 103 (a) as unpatentable over Walker combined with Kenny, " Walker and Kenny fail to teach or suggest: " obtaining primary transaction data...including...the purpose of the primary transaction" and "utilizing at least in part the primary transaction data including the purpose of the primary transaction...", and "offering the item to the prospective customer in lieu of the first good or service " (see pages 15-16) have been fully considered but they are not persuasive for following reasons:

(i) Walker teaches that products have been sold and billing statement of those products is used to offer prospective upsell to the prospective customers (see at least col.1, lines 59-63, and col.2, lines 46-59, "...the methods and apparatus of the present invention provide an automated system usingbilling statement an offer for one or more products[goods or services]....to offer and sell products complementary to previously-purchased products to the account holder"). It would be inherent that there were transactions for purchasing and selling "previously -purchased products" and those transactions correspond to the primary transactions with the purpose of the primary transaction of purchasing the product as is implied in purchasing any product by a buyer from a seller. Further "previously-purchased products" correspond to the first good or service. Walker did not disclose establishing a communication for the primary transaction and therefore it was modified to include Kenney's feature of establishing communication for primary transactions (see at least Kenney col.1, lines 41-64, "... The present

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invention provides a novel an improved interactive electronic shopping system and method....a shopper can broseshopper can examiner individual products, and select or not select ones for purchase.....Historical lists based on past ordering and predetermined buying frequency can also be provided...".) for the obvious reason of enabling the users to shop online for products and services and provide upsell offers for products and services other than the products already purchased as explicitly disclosed in Walker (see at least col.2, lines 46-59, "...the methods and apparatus of the present invention provide an automated system usingbilling statement an offer for one or more products[goods or services]....to offer and sell products complementary to previously-purchased products to the account holder".).

In view of the above, rejection of claims 172-177 under 35 USC 103 (a) as unpatentable over Walker combined with Kenny is maintained.

Applicant's arguments with respect to newly added claims 178-219 have been considered but are moot in view of the new ground(s) of rejection. This is a Final rejection.

Claim Objections

4. Claims 198, 202, 212 are objected to because of the following informalities:

Claim 198 recites the limitation, "the carrier" in line 18 on page 5. There is insufficient antecedence basis for this limitation in the claim. As best understood by the examiner, "the carrier" should be replaced by "a carrier".

Claim 202 recites the limitation, "the quality" in line 4 on page 6. There is insufficient antecedence basis for this limitation in the claim. As best understood by the examiner, "the quality" should be replaced by " quality".

Claim 212 recites the limitation, "the system" in line 22 on page 6. There is insufficient antecedence basis for this limitation in the claim. As best understood by the examiner, "the carrier" should be replaced by "the method".

The claims 198, 202, and 212 will be further treated on merits as best understood by the examiner above.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 172-183, 195, 200-207, 212-214, and 219 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent 6,196,458), hereinafter referred to as Walker, and further in view of Kenney (US Patent 6,381,583-reference provided in IDS, paper #5).

With reference to claims 172-177, Walker teaches a method for providing offers of an item constituting a good or a service to prospective customers as users comprising the steps of :obtaining primary transaction data with respect to the primary transaction, including the identity of the prospective customer and of the purpose of the primary transaction, utilizing the identity of the prospective customer to obtain at least a second data element relating to the user, utilizing in part the primary transaction data including the purpose of the primary transaction and the second data element and determining at least one item for prospective upsell to the prospective customer which is different than the first good or service as well the upsell

transaction is either different from the primary transaction like if upsell is a service transaction and primary transaction is a purchase transaction or both upsell and primary are same transactions or upsell transaction is a replacement transaction for the good purchased in the primary transaction, and offering the item to the prospective customer in lieu of the first good or service (see at least FIGS. 1-7, col.1, lines 59-63, "...provide methods and systems using automated, predetermined criteria...upsell offers for products..", col2, lines 56-67, "....to offer and sell products complementary to previously-purchased products to the account holder....offered product be related to previous purchases....", col.3, lines 4-19, "....for example, an account holder may buy a television,it is more convenient for the account holder to accept an offer.....for a warranty...", col.5, lines 8-20, "....Many types of upsells may be offered.....for example, a warranty on a television.....", col.5, line 26-col.6, line 7, "..The central controller 12 determines upsells to offer each account holder based on previous transactions by the account holder.....", col.7, line 66-col.8, line 63, "...upsell offer is printed.....provided to the account holder....upsell was accepted...", col.9, lines 35-42, "...those skilled in the art will understand that various substitutions may be made to those embodiments....a great number of types of upsells and methods of providing those upsells will be apparent to those skilled in the art").

Walker teaches that the primary transactions relate to purchase of goods. Walker does not show that the primary transactions are communicated via an electronic communication device. However, the process of purchasing goods and services via Internet and world -wide - web is notoriously well known in the field of e-commerce at the time of the invention. Kenney teaches interactive electronic shopping via Internet and world- wide- web using an electronic communication device (see at least col.1, line 41-col.3, line 20). In view of Kenney, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to combine

Walker and Kenny because Walker/Kenny combined would enable the user to shop interactively on Internet for benefits explicitly described in Kenny (see at least col.1, lines 8-38) and to provide upsell offers to the customers to generate additional sales to the users (see Walker col.1, lines 47-56).

With regards to claims, 178, 180, 182, and 183, Walker in view of Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers as disclosed and analyzed above. Walker further discloses that the primary transaction could be: consummated, a purchase transaction, a service transaction, and a sale transaction (see at least FIG.5 which shows purchase transactions for the customer and they are sales transactions for the merchant. See col.2, lines 50-51, "an offer for one or more products [goods or services]." which shows that products include both goods and services. Further, transaction ending in purchased products corresponds to a consummated transaction.).

With regards to claims 179 and 181, Walker in view of Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers as disclosed and analyzed above. Walker does not disclose that the primary transaction is not consummated/is an informational inquiry. However, Kenney discloses that the purpose of the primary transaction is to seek only an informational inquiry and it is not consummated (see Kenney col.1, lines 44-48, "...Using the present invention, a shopper can browse....The shopper can examine individual products, and select or not select one for purchase...."). In view of Kenney, it would be obvious to a person of an ordinary skill in the art at the time of the applicant's invention to modify Walker and Kenney as applied to claim 172 to

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include the feature of Kenney that the primary transaction is not consummated/is an informational inquiry for the obvious reason of allowing the consumers to just browse and feel fully satisfied before spending the money, and this conforms to the old and well-known practice of window shopping before a consumer decides to finally purchase an item.

With regards to claims 195, Walker/Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device as disclosed and analyzed above. Walker does not disclose offering the item in real time during the primary transaction. However, Kenney discloses offering the item in real time during the primary objection (see Kenney at least col.1, lines 30-37, "...There is the need for a video-based digitally implemented interactive electronic shopping system....", and col.2, lines 40-40-65). In view of Kenney, it would be obvious to a person of an ordinary skill in the art at the time of the invention to modify Walker and Kenney as applied to claim 172 to include the feature of Kenney of providing interactive shopping feature because it allows the shopper to view and select the items at that very moment and makes his or her shopping experience fast and convenient for the customer and efficient and economical for the merchant to sell goods.

With regards to claims 200, 201, 202, Walker in view of Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers as disclosed and analyzed above. Walker further discloses that identity of the good or service, identity of the good or service selected by the user, and quality of the good or service is a factor during the primary transaction is utilized in determining the prospective upsell (see at least col.2, lines 46-67, "...The offered product is determined from the previous

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purchases.....and accordingly may be a product that the account holder is more likely to purchase...”, and col.3, lines 9-19, “...an account holder may buy a television, andit is more convenient for the account holder to accept an offerfor a warranty.....”. Note: Offer for warranty corresponds to the quality factor which determines the offer for a good or service) .

With regards to claims 203-207, Walker/Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device as disclosed and analyzed above. Walker does not disclose that the offer is made orally/visually/visual offer includes a virtual reality display/visual offer is static or dynamic. However, Kenney teaches that the offer is made orally (see Kenney col.3, lines 5-9, “...advertisement including audio information”, and col.10, lines 24-28, “.audible information can also be provided...”, /visually/visual offer includes a virtual reality display/visual offer is static or dynamic (see at least col.6, line 60-col.29, “...display means 12 causes the displayed video image to change at the shopper’s command to correspond to what the shopper would see.....allow the shopper to interact with the display of one aisle of the grocery store 2....”). In view of Kenney it would be obvious to a person of an ordinary skill in the art at the time of the applicant’s invention to modify Walker/Kenney as applied to claim 172 to incorporate the features of Kenney that the offer is made orally/visually/visual offer includes a virtual reality display/visual offer is static or dynamic as explained above for the obvious reason of letting the customer have the feeling of shopping as face to face, examine the individual offered items and make a selection, as explicitly stated in Kenney (see at least col.1, lines 30-48) and thereby making the user’s shopping experience fast and convenient and at the same time enabling the merchants to increase sales, and profits economically and efficiently.

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With regards to claim 212, 213, and 214, Walker in view of Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers as disclosed and analyzed above. Walker further discloses at least one negative rule when the at least one item for prospective upsell to the prospective customer is determined and the negative rule includes not offering for up sell an item determined to already be possessed/purchased by the prospective customer (see at least col2, lines 56-67, *"....to offer and sell products complementary to previously-purchased products to the account holder....offered product be related to previous purchases...."*, col.3, lines 4-19, *"....for example, an account holder may buy a television,it is more convenient for the account holder to accept an offer.....for a warranty..."*, col.5, lines 8-20, *"....Many types of upsells may be offered....for example, a warranty on a television....."*. Note: Offering products different from previously purchased products like warranty for previously purchased television corresponds to the negative rule not including an offering already possessed or previously purchased.).

With regards to claim 219, Walker in view of Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device as disclosed and analyzed above. Kenney further discloses that the electronic communications device is a computer (see at least Kenney, FIG.2, "201...20n local computers...").

6. Claims 184-194, and 208-211 are rejected under 35 U.S.C. 103(a) as being obvious over Walker in view of Kenney as applied to claim 172 and further in view of Official Notice.

With regards to claims 184-188, Walker/Kenny as applied to claim 172 teaches a

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method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device as disclosed and analyzed above. Walker/Kenney does not disclose that the primary purpose of the primary transaction is an inventory check/ a status inquiry an order fulfillment inquiry/ a comparison shopping inquiry/ and a credit check. Official Notice is taken of both the old and well known concepts and benefits of seeking an inventory check/ a status inquiry /an order fulfillment inquiry/ a comparison shopping inquiry/ and a credit check for the obvious reason of knowing if the goods or services are available, if the pending order is completed or when it will be delivered, to get the best available, and to know how if the goods can be purchased by using the credit cards. In view of the Official Notice it would be obvious to a person of an ordinary skill in the art at the time of the invention to have modified Walker/Kenney to include the old and well-known features of seeking an inventory check/ a status inquiry /an order fulfillment inquiry/ a comparison shopping inquiry/ and a credit check for the obvious reason of knowing if the goods or services are available, if the pending order is completed or when it will be delivered, to get the best available, and to know how if the goods can be purchased by using the credit cards.

With regards to claims 189 –194, Walker in view of Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers as disclosed and analyzed above. Walker dose not disclose utilizing time as a factor in determining the goods or service to be offered, wherein the time is the time of the day/day of the week/day of the month/proximity to a calendar event which is user defined. Official Notice is taken of both the concept and benefits of utilizing time as a factor in determining the goods or service to be offered, wherein the time is the time of the day/day of the week/day of the month/proximity to a calendar event which is user defined for the obvious reason of targeting

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the products/services to the right occasion to the targeted customers so as to ensure maximum response from the customers. For example, it is well –known that discount coupons are offered for breakfast, lunch, dinner wherein the time of the day is considered, special week-end travel deals are presented to the customers based upon their profile, Holiday specials offerings on X-MAS and Thanksgiving correspond to where time is a factor and it is a day of the month and determines the goods to be offered as XMAS related gifts and Thanksgiving related food items, merchants send special offering on the customer's birthdays or anniversary days where the offerings are subject to proximity of a calendar event and is defined by the user. In view of the Official Notice it would be obvious to a person of an ordinary skill at the time of the invention to modify Walker/Kenney as applied to claim 172 to incorporate the features of utilizing time as a factor in determining the goods or service to be offered, wherein the time is the time of the day/day of the week/day of the month/proximity to a calendar event which is user defined for the obvious reason of enabling merchants increase their sales, revenues and profits.

With regards to claims 208-211, Walker/Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device as disclosed and analyzed above. Walker/Kenney does not disclose that the prospective customer registers to use the system/preregisters with the system prior to use/ wherein the registration includes input of information by the prospective customer/wherein the prospective customer inputs information in response to questions. Official Notice is taken of both the old and well known concepts and benefits of customer registering to use the system/pre-registering with the system prior to use/ wherein the registration includes input of information by the prospective customer/wherein the prospective customer inputs information in response to questions for the obvious reason of receiving relevant information

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from the customer such as contact information by email, shipping address, telephone numbers and providing authentication/password information to the customer to let him access the site.

In view of the Official Notice it would be obvious to a person of an ordinary skill in the art at the time of the invention to have modified Walker/Kenney to include the old and well-known features of customer registering to use the system/pre-registering with the system prior to use/wherein the registration includes input of information by the prospective customer/wherein the prospective customer inputs information in response to questions for the obvious reason of receiving relevant information from the customer such as contact information by email, shipping address, telephone numbers and providing authentication/password information to the customer to let him access the site and making it convenient for both the customer and the site to interact with each other.

7. Claims 196-199 are rejected under 35 U.S.C. 103(a) as being obvious over Walker in view of Kenney as applied to claim 172 and further in view of Pocock (US Pub. 2002/0023272 A1).

With regards to claims 196-199, Walker/Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device as disclosed and analyzed above. Walker/Kenney does not disclose using geographic identifier data of the user to offer a good or service wherein the geographic identifier is provided automatically/by a carrier associated with the electronic communication device and the geographical identifier data is entered by the user. However, in the same field of electronic commerce, Pocock teaches using geographic identifier data of the user to offer a good or service wherein the geographic identifier is provided automatically/by a carrier associated with the electronic communication device and the geographical identifier data

is entered by the user (see at least paragraphs 0014 and 0016 on page 2. Pocock discloses here that the geographical identifier data of the user is provided automatically from the area code of the telephone number entered by the user or supplied by the telephone company's [ANI]...to enable the programmed data processor to select the programmed schedule and the related information about the song which is to be offered and purchased by the customer.). In view of Pocock it would be obvious to a person of an ordinary skill in the art at the time of the invention to modify Walker/Kenney as applied to claim 172 to include the feature of using geographic identifier data of the user to offer a good or service wherein the geographic identifier is provided automatically/by a carrier associated with the electronic communication device and the geographical identifier data is entered by the user for the obvious reason of identifying the location of the user and using that information to provide discounted coupons and upsells for those goods and services which are available in the user's close vicinity.

8. Claim 215 is rejected under 35 U.S.C. 103(a) as being obvious over Walker in view of Kenney as applied to claim 212 and further in view of Bernard et al. (US Patent 5,918, 213), hereinafter, referred to as Bernard.

With regards to claim 215, Walker/Kenny as applied to claim 212 teaches a method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device and using at least one negative rule when the at least one item for prospective upsell to the prospective customer is determined as disclosed and analyzed above.

Walker/Kenney does not disclose that the negative rule includes not offering an item determined to have been previously offered to the prospective customer but declined. However, in the same filed of electronic commerce, Bernard teaches that the negative rule includes not offering an

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item determined to have been previously offered to the prospective customer but declined (see at least claim 1, col. 61, line 48-col.62, line 11, "... means for determining an abusive status of the customer..... means for defining a predetermined abusive user status time limit.....wherein said limiting usage includes disconnecting the abusive customer from the product system after said customer has been connected to said product system for said abusive user status time limit....". Note: Disconnecting the user who does not purchase when he is offered items to purchase corresponds to applying negative rule of not offering an item to a user who has previously declined to purchase the items.). In view of Bernard it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Walker/Kenney as applied to claim 212 to incorporate the feature of applying negative rule of not offering an item to a user who has previously declined to purchase the items for the obvious reason of not wasting the resources in attempting to sell products to a user who is not interested in them.

9. Claims 216-217 are rejected under 35 U.S.C. 103(a) as being obvious over Walker in view of Kenney as applied to claim 172 and further in view of Tehrani, Nadji, ".Hardware, software....humanware"; Telemarketing & Call Center Solutions; Norwalk: Sep 1997, received as IDS, hereinafter, referred to as Tehrani.

With regards to claims 216-217, Walker/Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device as disclosed and analyzed above. Walker/Kenney does not disclose that the prospective customer interacting with a live operator, and that the electronic device is a telephone. However, in the same field of electronic commerce, Tehrani discloses

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that a prospective customer can interact with a live operator, and that the electronic device is a telephone (see page 2, lines 18-27, "...If you want specifics.....the way in which companies in our industry do business....telephony or VOIP....means talking over the Internet.....be connected to a live agent in the company's call center...."). In view of Tehrani, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Walker/Kenney as applied to claim 172 to incorporate the feature of a prospective customer interacting with a live operator, and that the electronic device is a telephone for the obvious reason that talking to a live operator over IP telephony is much cheaper and the live operator can provide guidance and information to the customer, as explicitly disclosed in Tehrani (see page 2, lines 24-27).

10. Claim 218 is rejected under 35 U.S.C. 103(a) as being obvious over Walker in view of Kenney as applied to claim 172 and further in view of Gerszberg et al. (US Patent 5, 970,473), hereinafter, referred to as Gerszberg.

With regards to claims 218, Walker/Kenny as applied to claim 172 teaches a method for providing offers of an item constituting a good or a service to prospective customers utilizing an electronic device as disclosed and analyzed above. Walker/Kenney does not disclose that the electronic device is a videophone. However, in the same field of electronic commerce, Gerszberg discloses using videophone providing an interface for purchasing goods and services online (see at least col.1, lines 5-8, FIG.1 "130-Videophone", col.4, lines 20-25, "...digital phone 18 and/or videophone 130.."). In view of Gerszberg, it would be obvious to a person of an ordinary skill in the art at the time of the invention to modify Walker/Kenney as applied to claim 172 to incorporate the feature of Gerszberg to use videophone to communicate with the

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shopping facility for the obvious reason of enabling the user to view the person with whom he is speaking as explicitly disclosed in Gerszberg (see at least col.6, lines 44-60).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

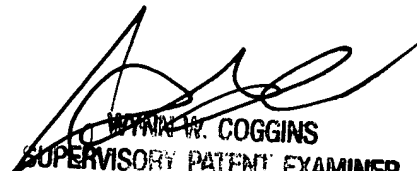
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Yogesh C Garg
Examiner
Art Unit 3625

YCG
September 20, 2003



WILLIAM W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600